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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 E.J. MCELROY, a.k.a. EIBON  
12 MCELROY, a.k.a. LATWAHN  
13 MCELROY, a.k.a. LATHWAHN  
14 MCELROY,

15 Plaintiff,

16 v.

17 SGT. GUZMAN, *et al.*,

Defendants.

No. 1:25-cv-00748 JLT BAM (PC)

ORDER DENYING PLAINTIFF'S MOTION  
FOR EXTENSION OF TIME  
(Doc. 18)

ORDER DISMISSING ACTION WITHOUT  
PREJUDICE FOR FAILURE TO PAY FILING  
FEE AND FAILURE TO OBEY COURT  
ORDER  
(Docs. 12, 14, 17)

18 E. J. McElroy is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42  
19 U.S.C. § 1983. On June 26, 2025, the then-assigned magistrate judge issued findings and  
20 recommendations recommending that Plaintiff's application to proceed *in forma pauperis* be  
21 denied because he is subject to the three strikes bar of 28 U.S.C. § 1915(g). (Doc. 9.) The  
22 magistrate judge also recommended that Plaintiff be ordered to pay the required \$405.00 filing  
23 fee in full to proceed with this action. (*Id.*) Despite receiving an extension of the deadline,  
24 Plaintiff did not file objections to the findings and recommendations. (Doc. 11.) On August 12,  
25 2025, the Court adopted the findings and recommendations in full and ordered Plaintiff to pay the  
26 filing fee in full within 21 days. (Doc. 12.)

27 Following two extensions of time, the deadline for Plaintiff to pay the filing fee was  
28 November 10, 2025. (Docs. 14, 17.) Plaintiff has not paid the filing fee, and the deadline for him

1 to do so has expired. In lieu of paying the filing fee, on November 18, 2025, Plaintiff filed a  
2 “Motion for extension of 60 days time and/or a continuance until the relevant needs can be met.”  
3 (Doc. 18.) As in his prior request for an extension of time, Plaintiff asserts that circumstances  
4 beyond his control are preventing him from paying the filing fee in compliance with the Court’s  
5 order. These circumstances appear to include a lack of access to the facility law library, Plaintiff’s  
6 disability and mental health, and Plaintiff’s need to conduct legal and financial research and  
7 consult experts regarding electronic monetary transfers. Plaintiff also states that he is unable to  
8 access his legal property that contains contact information for persons who can help him complete  
9 the task. Although Plaintiff’s motion purports to seek only an extension of time or continuance of  
10 the deadline to pay the filing fee, Plaintiff also seeks a Court order allowing Plaintiff access to a  
11 private open line phone and/or telephonic conference to communicate with legal offices and  
12 financial institutions to make arrangements to satisfy the Court’s order, as well as telephonic  
13 access to obtain class counsel regarding payment from an unspecified class action regarding a  
14 data breach. The remainder of Plaintiff’s motion appears related to the underlying merits of his  
15 claims.

16 As the magistrate judge found in response to Plaintiff’s previous request for extension of  
17 time, Plaintiff has had ample time to pay the filing fee and has failed to do so. Plaintiff again  
18 provides no indication that he expects to secure the funds—from any source—in a timely manner  
19 to pay the filing fee, nor does Plaintiff cite to any authority entitling him to repeated extensions of  
20 time until he can acquire the necessary funds to proceed with this action. More than three months  
21 have passed since Plaintiff was first ordered to pay the filing fee, and more than five months have  
22 passed since this action was filed. The Court finds that a further extension of time is not  
23 warranted where Plaintiff also requests Court intervention to allow him to pursue strategies that  
24 provide only a speculative opportunity for Plaintiff to acquire the necessary funds.

25 Because Plaintiff has failed to obey the Court’s order and pay the appropriate filing fee,  
26 and Plaintiff has presented no indication that she has the means to pay the filing fee, this case  
27 cannot proceed. This matter will be dismissed. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61  
28 (9th Cir. 1992). Thus, the Court **ORDERS**:

1. Plaintiff's motion for extension of time, (Doc. 18), is **DENIED**.
2. This action is **DISMISSED**, without prejudice, for Plaintiff's failure to comply with the Court's order and failure to pay the filing fee; and
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: **November 24, 2025**

  
UNITED STATES DISTRICT JUDGE